

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

PAUL AHERN and NEXT DECADE
ENTERTAINMENT, INC.,

Plaintiffs,

against

DONALD THOMAS SCHOLZ,

Defendant.

C.A. No. 13-1812 (LTS)

LOCAL CIVIL RULE 1.4 DECLARATION OF CRAIG ELDON PINKUS

CRAIG ELDON PINKUS, an attorney duly admitted to practice *pro hac vice* before this Court, affirms the following to be true and correct pursuant to 28 U.S.C. § 1746:

1. I am a partner in the law firm of Bose McKinney & Evans LLP (“BM&E”), attorneys for defendant and plaintiff-in-counterclaim Donald Thomas Scholz in the above-captioned action. I respectfully offer this Declaration pursuant to Local Civil Rule 1.4 in order to effect, at Mr. Scholz’s election and with the Court’s approval, the substitution of Rosenberg & Giger P.C. (“R&G”) as attorneys of record for Mr. Scholz in place of BM&E.

2. The averments set forth in this Declaration are based on my personal knowledge of and involvement in the matters recited.

3. It is my understanding that Mr. Scholz has elected to proceed in this action with R&G as counsel, as that law firm is based in New York, New York, the City and State where this action was filed. BM&E is located in Indianapolis, Indiana.

4. BM&E, at Mr. Scholz's request and with his consent, accordingly desires to withdraw as attorneys of record for Mr. Scholz in this action.

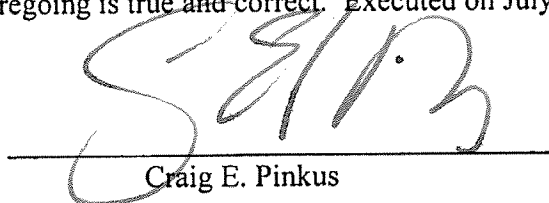
5. On April 30, 2013, R&G filed notices of appearance as counsel to Mr. Scholz in the action, and R&G has been actively participating in the action on behalf of Mr. Scholz.

6. This litigation is currently in the early stages of discovery, and there are no outstanding motions before the Court. The current deadline for both fact and expert discovery is December 31, 2013.

7. Mr. Scholz has consented to the withdrawal of BM&E and the substitution of R&G as his counsel, as reflected in the Declaration of Donald Thomas Scholz submitted herewith.

8. BM&E is not asserting a charging or retaining lien against Mr. Scholz.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 11, 2013.



Craig E. Pinkus